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June 28, 2022

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: Austin Babb v. City of New York, et al.
21 CV 8655 (KPF)

Your Honor:

I am a Senior Counsel in the office of the Hon. Sylvia Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York and Det. Steven Smith in the above-referenced matter. Defendants write pursuant to Your Honor's Individual Rule 2(d) to respectfully request an adjournment of the parties' mediation currently scheduled for June 29, 2022 at 10:00 a.m. Plaintiff consents to this request.

Per docket entry dated October 22, 2021, the instant case is designated for participation in Local Civil Rule 83.10 (formerly the Section 1983 Plan, and hereinafter referred to as, the "Plan"). In light of the complexity and volume of the instant matter, defendants are continuing to actively assess this case for settlement, and are having ongoing discussions with their client in order to maximize the potential for meaningful mediation. We believe that the mediation will be more likely to be productive if it is held at a later date. In addition, counsel for defendants have an unanticipated conflict on June 29, 2022.¹

Defendants have conferred with plaintiff, as well as the mediator assigned to this matter, Mr. John Gross. As noted, plaintiff consents to the requested adjournment. Similarly, Mr. Gross has no objection to it. The parties are still in the process of confirming a new date.

¹ Mr. Viviano is engaged in a trial in front of Judge Kimba Wood, which has taken longer than originally expected. Tardif v. City of New York, 13-cv-4056.

This is defendants' second request for such an adjournment. Upon information and belief, this adjournment will not affect any other currently scheduled dates in this matter.

Thank you for your attention to this matter.

Very truly yours,

/s/

Daniel Braun
Senior Counsel
Special Federal Litigation Division

Application GRANTED. The mediation presently scheduled for June 29, 2022 is hereby ADJOURNED *sine die*. On or before **July 8, 2022**, the parties are to submit a letter to the Court proposing a date and time to hold this mediation that is within 45 days from the date of this Order.

The Clerk of Court is directed to terminate the pending motion at docket entry 22.

Dated: June 28, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE